

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEREMY GIBBS, TANYA GIBBS,
individuals, and HARTLAND FELLOWSHIP,

Plaintiffs,

v.

Case No: 13-13820
Hon. Victoria A. Roberts

BANK OF AMERICA, N.A., and
WELLS FARGO BANK, N.A.,

Defendants.

ORDER DISMISSING PLAINTIFFS' AMENDED COMPLAINT (Doc. 3)

On September 16, 2013, Plaintiffs filed an Amended Complaint. Two causes of action are alleged: (1) religious discrimination in violation of the Elliott-Larsen Civil Rights Act, MCL 37.2502, *et seq.* (Count 1); and (2) unjust enrichment (Count 2). In a jurisdiction and venue section, Plaintiffs claim the Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1640, *et seq.*

Under 28 U.S.C. § 1331, the Court has jurisdiction of “all civil actions arising under the Constitution, laws, or treaties of the United States.” Plaintiffs’ causes of action do not arise under federal law, the Constitution, or treaties of the United States, and their right to relief does not depend on the resolution of a substantial question of federal law. See *Thornton v. Southwest Detroit Detroit Hosp.*, 895 F.2d 1131, 1133 (6th Cir. 1990) (“Federal courts have jurisdiction under section 1331 in ‘only those cases in which a well-pleaded Complaint establishes either that federal law creates the cause of action or that the plaintiff[']s right to relief necessarily depends on resolution of a

substantial question of federal law.”) (quoting *Franchise Tax Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 27-28 (1983)).

Plaintiffs set forth two causes of action; neither is a federal one. Rather, both claims arise under, and are governed by, state law. This Court lacks subject matter jurisdiction over Plaintiffs’ action. Accordingly, their Amended Complaint is *sua sponte* **DISMISSED WITH PREJUDICE**. Fed. R. Civ. P. 12(b)(1); *Sturgis v. Lloyd*, No. 10-10101, 2010 WL 1052342, at *2 (E.D. Mich. Mar. 19, 2010) (“Encompassed in the duty to assess subject matter jurisdiction is the requirement to dismiss sua sponte an action over which a court lacks jurisdiction.”).

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: September 30, 2013